IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 246 OF 2002

Shaikh Rafique Shaikh Afzal ..Petitioner.

V/s.

The Sub Divisional Magistrate & Anr. ..Respondents.

Shri A.R. Sahikh for the Petitioner.
Shri A.S. Gadkari, APP for the Respondent No.1-State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 03, 2005

PC :-

1. This petition takes exception to the externment order passed on 6th December, 2001 by the competent authority against the petitioner. The petitioner has suffered externment period partly. This court while entertaining the present petition, granted interim relief on 2nd May, 2002. Due to efflux of time, the purpose for which the externment order was issued has come to an end.

2. Hence, this petition is disposed of with direction that the remaining period of externment shall not be enforced against the petitioner. All other questions are left open. This course is adopted

in view of the judgement of the Apex Court in the case of Baby Naaz vs. Union of India, reported in 1990 (Supp) Supreme Court Cases, page-163 (II).

3. Ordered accordingly.

.....